

AO 91 (Rev. 11/11) Criminal Complaint

**Sealed**Public and unofficial staff access  
to this instrument are  
prohibited by court order**UNITED STATES DISTRICT COURT**

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED*March 05, 2024*

Nathan Ochsner, Clerk of Court

United States of America

v.

AUSTIN LEE SHOFNER

Case No.

**4:24-mj-0094***Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 10, 2024, in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*18 U.S.C. §§ 922(g)(1) and 924(a)  
(8)

Felon in possession of ammunition

This criminal complaint is based on these facts:

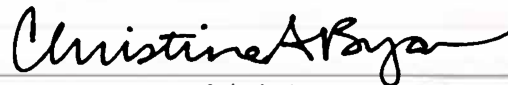
See attached affidavit of probable cause.

☒ Continued on the attached sheet.*Complainant's signature*

ATF SA Seemanth Raj

*Printed name and title*

Sworn to before me and signed by telephone

Date: March 05, 2024*Judge's signature*City and state: Houston, Texas

Christina A. Bryan, United States Magistrate

*Printed name and title*

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**4:24-mj-0094**

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Seemanth Raj, being duly sworn, state under oath that:

1. I am currently employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and have been so since 2017. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy where I received specialized training on criminal violations of Federal firearms statutes. As a Special Agent with the ATF, I am vested with the authority to investigate violations of Federal laws, including Titles 18 and 26, United States Code. I have received training and have experience in the enforcement of laws related to criminal violations of federal firearms statutes to include: the Gun Control Act ("GCA") (Title 18, United States Code), the National Firearms Act ("NFA") of 1934 (Title 26, United States Code), and the Controlled Substance Act (Title 21, United States Code). As a result of my training and experience, I am familiar with the criminal offenses relevant to this case.

2. The statements in this affidavit are based on my personal observations, my training and experience, my investigation of this matter, and information obtained from other law enforcement officers and witnesses. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. This affidavit is intended to show only that there is sufficient probable cause for the requested complaint.

3. On January 10, 2024, ATF conducted an undercover operation to purchase firearms and a silencer at a gas station parking lot located at 3202 Pasadena Freeway, Pasadena, Texas, within the Southern District of Texas. An ATF undercover ("UC") arrived at the location in an undercover vehicle. The ATF UC observed an individual identified as Austin Lee SHOFNER at

the location wearing a red shirt and carrying a blue backpack. The ATF UC parked the undercover vehicle at the location and SHOFNER entered the front passenger seat of the vehicle.

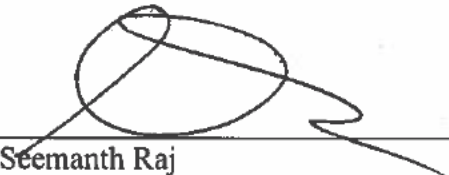
4. Once in the vehicle, the ATF UC observed SHOFNER remove two disassembled AR-15 style firearms from the backpack. SHOFNER attached the upper and lower receivers together in front of the UC and gave both firearms to the UC. Both firearms appeared to be privately made firearms ("PMFs," often referred to as "ghost guns"). SHOFNER stated both firearms have an approximately 10.5-inch barrel. SHOFNER also stated that one of the firearms has a full stock attached and he added the foregrip to the firearm that did not have an attached stock. SHOFNER then handed the ATF UC two magazines, one of which contained ammunition (later determined to be approximately 20 assorted JAG and Hornady .300 AAC Blackout rounds). Jagemann Sporting Group ("JAG") ammunition is manufactured in the state of Wisconsin, and Hornady Manufacturing Inc. ammunition is manufactured in the state of Nebraska.

5. SHOFNER told the ATF UC that he forgot the silencer he wanted to sell at his house. The ATF UC drove SHOFNER to his house located at 3212 Carter Street, Pasadena, Texas, within the Southern District of Texas. The ATF UC parked on the south side of Carter Street, just west of the driveway of SHOFNER's residence. SHOFNER walked into his house and returned approximately one minute later with a black, cylindrical object in his right, front pocket. SHOFNER retrieved the item from his pocket and handed it to the ATF UC. The item did not have any manufacturer's markings or a serial number. The ATF UC gave SHOFNER \$1,800 for the two firearms and the silencer. SHOFNER exited the undercover vehicle and entered his house at 3212 Carter Street, Pasadena, Texas, through the front door. The ATF UC left the location, and the operation was terminated.

6. SHOFNER was adjudicated guilty for the felony offenses of Marijuana-Possess with Intent to Sell MFG or Deliver Schedule 1 and Possession of Controlled Substance W/O RX on January 23, 2020, in the Circuit Court in and for Santa Rosa County, Florida, in case number 18-CF-1668. Accordingly, SHOFNER is a convicted felon and cannot lawfully possess firearms or ammunition shipped in interstate commerce in the United States.

7. Based on the foregoing, I believe there is probable cause that SHOFNER is in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8), that is, felon in possession of ammunition.

I swear under penalty of perjury that the foregoing is true and correct.



Seemanth Raj  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms, and  
Explosives

Subscribed and sworn to before me telephonically this 5th day of March 2024, and I find probable cause.



HONORABLE CHRISTINA A. BRYAN  
United States Magistrate Judge